



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,273	09/05/2000	C. Douglass Thomas	CDTP006	8031

7590

12/17/2003

C Douglass Thomas
1193 Capri Drive
Campbell, CA 95008

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,273

Applicant(s)

THOMAS, C. DOUGLASS

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-20, 22-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

SAM RIMELL
PRIMARY EXAMINER

Art Unit: 2175

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent 5,898,836) in view of Glogau (U.S. Patent 5,983,351).

Claim 1: Freivald et al. discloses the steps of scanning website content and monitoring changes to an on-line website (col. 6, lines 50-52) to determine a change value (the CRC; col. 6, lines 38-40). The change value is then compared to a certain threshold value (10% change or 70% change; col. 12, lines 33-56) and determining a need to take certain actions with respect to the website, such as revisiting the website content (col. 1, lines 55-57) or tracking linked pages (col. 13, lines 65-66) so as to update and correct the links when they are no longer valid.

Freivald et al. differs from the claim in that it does not disclose the website as having any copyright registration. However, Glogau et al. teaches the general principle that a website may be copyrighted. Thus, if one or more of the websites in Freivald et al. are previously copyrighted, the determination of a need to update dead hyperlinks in Freivald et al. reads literally as a determination of a need to update the prior registered website. The claim does not state that the updating is a re-registration of the copyright, only that some undefined updating action is taking place.

Art Unit: 2175

It would have been obvious to one of ordinary skill in the art to modify the websites of Freivald et al. to include prior copyright registration so as to afford intellectual property protection of those sites, as taught by Glogau.

Claim 2: Freivald et al. discloses the steps of accessing an on-line site and examining the files at that site (col. 6, lines 51-52). Freivald et al. further discloses the concept of determining a change value based on a comparison of current and previous site information. This comparison can be either a comparison of current and previous CRC ratings for the site (col. 6, lines 64-66) or it can also be a comparison derived from comparing the original document to the current document (col. 2, lines 15-21).

Claim 3: The examined site is a website on the Internet (col 1, lines 19-25).

Claim 5: The on-line site is identified by a URL (col. 6, line 3).

Claim 6: Freivald et al. discloses the steps of identifying an address location (col. 6, lines 49-50); periodically crawling the address to determine content change (col. 6, lines 51-52); determining a degree of change (col. 6, lines 38-40) as compared to a prior website. When the degree of change exceeds a threshold, a determination is made that some action must be taken. That action may be an updating of the hyperlinks associated with the page (col. 13, line 65 through col. 14, line 10).

Freivald et al. differs from claim 6 in that it does not make a determination that a U.S. copyright registration is needed for the website.

However, Glogau teaches a system that examines the content of website and determines which forms are needed to initiate a copyright registration. Like Freivald et al., the Glogau

Art Unit: 2175

examines the website, but instead follows a routine of determining the type of works needing registration (col. 2, lines 28-41).

It would have been obvious to one of ordinary skill in the art to modify Freivald et al. to include the additional functionality of determining which works are in need of copyright registration subsequent to an examination of the website content so as to expand the potential functionalities resulting from the examination of the website as taught by Glogau.

Claim 7: When the determination is made that some action is needed in Freivald et al., a notification is sent to the user in the form of an e-mail (col. 6, lines 65-67). Glogau teaches that the action may be determination of a need for copyright registration of certain works. Those works include the entire website or individual website components (col. 2, lines 47-50). The “another” registration would be the registration of the individual components in addition to the entire website.

Claim 8: The notification is an automatic e-mail notification (col. 6, lines 65-67).

Claim 9: The e-mail notification can include information on the amount of content change that has occurred (col. 12, lines 21-27).

Claim 10: The system of Freivald et al. can also indicate where the changes to the document have occurred. For example, changes to specific hyperlinks (col. 13, line 65-col. 14, line 9) on a page can be indicated to the user. In addition, changes only to specific sections of documents (col. 13, lines 20-21) rather than changes to the entire document can be indicated.

Claim 11: See remarks for claim 7.

Claim 12: The copyright registration process suggested by Glogau is initiated on-line.

Claim 13: See remarks for claim 7 regarding the issue of “another” registration.

Art Unit: 2175

Claim 14-15: The user is notified by e-mail that a web page has been registered for change detection (col. 7, lines 14-16).

Claim 16: The system Glogau initiates the copyright registration process on-line.

Claim 17: Glogau refers to the registration of an entire website and its individual components (col. 2, lines 46-49). Thus, registering one of these types of works can be designated as “previous” registration, and the other, the “subsequent registration”. A registration of a website will inherently reference at least some of the website components.

Claim 18: See re remarks for claim 1.

Claim 19: See remarks for claim 1. Note that the claim does not specify the nature of the update, so Freivald’s feature of updating hyperlinks associated with a copyrighted page is readable as the step of determining that a copyright registration “update” is needed.

Claim 20: See remarks for claim 8.

Claim 22: See remarks for claim 8.

Claim 23: In Freivald et al., the use enters a specific website to be examined (col. 6, lines 48-50). This is readable as an authorization

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2175

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name and title.

Sam Rimell
Primary Examiner
Art Unit 2175